

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of DESJUAN DOMINIQUE COOPER,
Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TAMMY ADALAIDE COOPER,

Respondent-Appellant.

UNPUBLISHED
October 31, 2000

No. 222654
Wayne Circuit Court
Family Division
LC No. 85-250270

Before: Bandstra, C.J., and Saad and Meter, JJ.

MEMORANDUM.

Respondent appeals as of right the family court's order terminating her parental rights to her son, Desjuan, under MCL 712A.19b(3)(c)(i)¹ and (g); MSA 27.3178(598.19b)(3)(c)(i) and (g). We affirm.

Respondent first became involved with the family court in 1985 after a hospital social worker reported that she had neglected her son Lavell's medical needs. Lavell was suffering from meningitis with hydrocephalus and, according to respondent, he had seizures for two weeks before the baby was treated in intensive care. By the time he received treatment, however, he had suffered brain damage attributable to the lack of medical treatment. Lavell and his brother Henry, who had been living in a filthy home without proper utilities and insufficient food, were made wards of the court and, eventually, placed for adoption.²

¹ The hearing transcript reflects that the court also terminated parental rights under (3)(i). Respondent has not addressed this issue and we deem it abandoned.

² Prior to the termination, respondent removed the children from foster care and they were in a deteriorating condition when found.

In 1996, Desjuan came under the court's jurisdiction when evidence showed that respondent had a drug and alcohol problem, that she had no source of income, and that the home was filthy with garbage strewn about and no gas service or food. Desjuan was dirty, begging for food, left alone for hours at a time, and was not attending school regularly. Desjuan was placed in foster care. Respondent completed parenting classes and visitation seemed to be going well; Desjuan was placed on extended visitation with respondent. After a short period of time, a social worker made home visits, found the home filthy and respondent sleeping.

During the extended visitation, respondent did not follow through with family counseling and otherwise failed to comply with her case plan, though she did attend regular visitation. Respondent failed to obtain employment. Respondent was evicted from her home, though she was later located at her mother's home. It was determined that Desjuan missed 22.5 days of school in November and December, 1997. Desjuan was returned to foster care.

At the time of the permanent placement hearing, it was shown that respondent had failed to verify income, had failed to verify residency and failed to maintain weekly contact with her caseworker.³ The court found clear and convincing evidence that a statutory basis existed for terminating respondent's parental rights and that termination was in the best interests of Desjuan. On August 4, 1999, the juvenile court issued its ordered terminating parental rights and ordered Desjaun placed for adoption. Respondent filed this appeal on October 6, 1999. On or about May 11, 2000, respondent took Desjaun from the foster parent and had custody of the child. The court issued an order to take the child into custody. As of May 25, 2000, the child had not been located or apprehended.

We review for clear error both the court's decision that a ground for termination has been proven by clear and convincing evidence and, where appropriate, the court's decision regarding the child's best interest. *In re Trejo Minors*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). We find that the family court was correct in finding that statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 634; 593 NW2d 520 (1999); *In re Conley*, 216 Mich App 41, 43-44; 549 NW2d 353 (1996). Additionally, the family court did not clearly err in determining that termination of respondent's parental rights was in the child's best interest. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Trejo, supra*.

Affirmed.

/s/ Richard A. Bandstra
/s/ Henry William Saad
/s/ Patrick M. Murphy

³ The termination hearing began on June 17, 1999, and, respondent's testimony was continued to June 28, 1999. When respondent did not appear on June 28, 1999, the matter was put over until August 4, 1999. Respondent failed to appear on August 4, 1999.